

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

ORDER GRANTING DEFEN-
DANTS'S MOTION FOR SUM-
MARY JUDGMENT AND STRIK-
ING PLAINTIFF'S MOTION
FOR VOLUNTARY DISMISSAL

This document relates to:
Christy v. Bayer Corp., C02-
1707

On May 23, 2005 defendant Wyeth, on behalf of itself and defendant Bayer, moved for summary judgment on plaintiff Ronald Christy's claims. According to Wyeth, Christy has produced no medical evidence of having suffered a stroke, a required element for recovery under *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and this court's June 8, 2003 Order Granting in Part and Denying in Part MDL Defendants' Motion to Preclude Plaintiffs' Expert Opinions. Plaintiff has not filed a response, thereby conceding defendants' position.

Several weeks earlier, on May 2, 2005, plaintiff Christy filed a motion for voluntary dismissal. Nevertheless, given the un-refuted evidence that plaintiff's claims are not viable, as noted above, the court hereby GRANTS Wyeth's motion for summary

1 judgment and STRIKES plaintiff's motion for voluntary dismissal
2 as moot. This matter is DISMISSED with prejudice.

3 DATED at Seattle, Washington this 11th day of July, 2005.

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6 BARBARA JACOBS ROTHSTEIN
7 UNITED STATES DISTRICT JUDGE
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